

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WHEELOCK, INC.

Plaintiff,

v.

CIVIL ACTION NO. 2:05 CV 454

SIEMENS BUILDING TECHNOLOGIES,
INC., (D/B/A FARADAY)

Jury Demanded

Defendant.

PLAINTIFF'S UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE

Plaintiff through undersigned counsel hereby moves the Court to dismiss this case without prejudice. Plaintiff, Wheelock, Inc. and Siemens Building Technologies, Inc. (d/b/a Faraday) have entered into an agreement concerning the matters at issue in this lawsuit, and respectfully ask that this matter be dismissed, without prejudice, in accordance with Federal Rule of Civil Procedure 41(a)(2). Each party agrees to bear its own attorneys' fees and other court costs relating to this action.

Respectfully submitted,

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WHEELLOCK, INC.

CERTIFICATE OF CONFERENCE

Plaintiff's counsel has conferred with Defendant's counsel Miriam Latorre Quinn and was informed that Defendant does not oppose this motion.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of “PLAINTIFF WHEELLOCK’S MOTION TO DISMISS WITHOUT PREJUDICE” was served on the parties listed below by electronic mail via the Court’s ECF noticing procedures on the 10th day of August, 2006.

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